

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)
ex rel. THOMAS O'FARRELL #K54340,)
)
 Petitioner,)
)
)
v.) No. 08 C 2403
)
)
EDDIE JONES, WARDEN,)
)
)
 Respondent.)

MEMORANDUM ORDER

In this 28 U.S.C. §2254 action brought by pro se plaintiff Thomas O'Farrell ("O'Farrell"), this Court and O'Farrell are awaiting the response to O'Farrell's Petition for Writ of Habeas Corpus ("Petition") from the Illinois Attorney General's Office, the due date of which response has been extended to June 19. In the meantime this Court has just received from O'Farrell a self-prepared "Motion for Instructions" in which he reports that the original respondent, then Warden Eddie Jones, has received a promotion so that he is no longer serving in that capacity at Pontiac Correctional Center (where O'Farrell is in custody).

This Court hastens to assure O'Farrell that no problem is presented by that change in status. Under Fed. R. Civ. P. ("Rule") 25(d) a change in the identity of the person who occupies a public office does not affect any pending action, because the successor to the originally named officer "is automatically substituted as a party." Accordingly, as and when the Assistant Attorney General assigned to this case provides the

necessary information, an order of substitution will be entered, but in the meantime the action will proceed as originally contemplated without the need for any further action on O'Farrell's part.



Milton I. Shadur
Senior United States District Judge

Date: June 13, 2008